

BISMARCK PLANNING & ZONING COMMISSION
MEETING MINUTES
July 23, 2014

The Bismarck Planning & Zoning Commission met on July 23, 2014 at 5:00 p.m. in the Tom Baker Meeting Room in the City-County Office Building, 221 North 5th Street. Chairman Yeager presided.

Commissioners present were Mark Armstrong, Tom Atkinson, Mel Bullinger, Mike Donahue, Vernon Laning, Doug Lee, Ken Selzler, Mike Seminary, Lisa Waldoch and Wayne Yeager.

Commissioner absent was Mike Schwartz.

Staff members present were Carl Hokenstad – Director of Community Development, Kim Lee – Planning Manager, Jason Tomanek – Planner, Jenny Wollmuth – Planner, Hilary Balzum – Community Development Office Assistant and Jason Hammes – Assistant City Attorney.

MINUTES

Chairman Yeager called for consideration of the minutes of the June 25, 2014 meeting.

MOTION: Commissioner Selzler made a motion to approve the minutes of the June 25, 2014 meeting as received. Commissioner Armstrong seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson, Bullinger, Donahue, Laning, Lee, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

CONSIDERATION

- A. HIGH MEADOWS 12TH ADDITION –
ZONING CHANGE (RR TO R5 & PUD) AND PRELIMINARY PLAT**
- B. APPLE MEADOWS 3RD SUBDIVISION –
ZONING CHANGE (A TO RR), FRINGE AREA ROAD MASTER PLAN
AMENDMENT AND PRELIMINARY PLAT**
- C. HUBER 2ND SUBDIVISION –
PRELIMINARY PLAT**
- D. MEADOWLARK COMMERCIAL 7TH ADDITION
LAND USE PLAN AMENDMENT AND FRINGE AREA ROAD MASTER
PLAN AMENDMENT**

Chairman Yeager called for consideration of the following consent agenda items:

- A. High Meadows 12th Addition – Zoning Change and Preliminary Plat

- B. Apple Meadows 3rd Subdivision – Zoning Change, Fringe Area Road Master Plan Amendment and Preliminary Plat
- C. Huber 2nd Subdivision – Preliminary Plat
- D. Meadowlark Commercial 7th Addition – Land Use Plan Amendment and Fringe Area Road Master Plan Amendment

Commissioner Lee made a motion to approve consent agenda items A, B, C and D. Ms. Lee asked if this includes the staff recommendation of denial for the Fringe Area Road Master Plan Amendment for Apple Meadows 3rd Subdivision. Commissioner Lee said yes.

MOTION: Commissioner Lee made a motion to approve consent agenda items A, B, C and D, granting tentative approval or denying and/or calling for public hearings on the items as recommended by staff. Commissioner Waldoch seconded the motion and it was unanimously approved with Commissioners Armstrong, Bullinger, Donahue, Laning, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

**FINAL CONSIDERATION – ANNEXATION
PUBLIC HEARING – ZONING CHANGE AND FINAL PLAT –
SOUTH MEADOWS ADDITION**

Chairman Yeager called for the public hearing on the final plat; the zoning change from the A-Agriculture zoning district to the R5-Residential, R10-Residential, RM15-Residential, RM30-Residential and P-Public zoning districts; and final consideration of the annexation of South Meadows Addition. The proposed plat is 124 lots in six blocks on 75.89 acres and is located in south Bismarck, south of Burleigh Avenue and west of South Washington Street (all of Lot D of Section 20 and all of Lot D of the NE¼, part of the SE¼ and NE¼ of Section 20, T138N-R80W/Lincoln Township).

Ms. Lee provided an overview of the requests, including the following findings for the zoning change:

1. The proposed zoning change is consistent with the Future Land Use Plan (FLUP) in the 2014 Growth Management Plan, which identifies this area as medium density residential.
1. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include developing single- and two-family residential to the west, single-family residential to the north, undeveloped agricultural land to the east, and rural residential to the south.
2. The entire subdivision would be annexed prior to development; therefore, the proposed zoning change would not place an undue burden on public services and facilities.
3. The proposed zoning change would not adversely affect property in the vicinity.

4. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.
5. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Ms. Lee then presented the following findings for the final plat:

1. The preliminary plat received tentative approval on January 23, 2013. A public hearing was held on September 25, 2013, continued to October 23, 2013, and then continued again to a future meeting. The lot layout within the plat has been reconfigured since the previous hearings.
2. All technical requirements for approval of a final plat have been met.
3. The storm water management plan has been approved by the City Engineer.
4. The FAA has determined that the development is in compliance with FAA Advisory Circular 150/5200-33B, "Hazardous Wildlife Attractants On or Near Airports."
5. The proposed subdivision generally conforms to the Fringe Area Road Master Plan for this area, which identifies Downing Street to the west of this plat as the north-south collector for this section and Glenwood Drive to the south of this plat as the east-west collector for this section.
6. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include developing single- and two-family residential to the west, single-family residential to the north, undeveloped agricultural land to the east, and rural residential to the south.
7. The entire subdivision would be annexed prior to development; therefore, it would not place an undue burden on public services and facilities.
8. The proposed subdivision would not adversely affect property in the vicinity.
9. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
10. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Ms. Lee then presented the following findings for the annexation:

1. The City and other agencies would be able to provide necessary public services, facilities and programs to serve the development allowed by the annexation.

2. The proposed annexation would not adversely affect property in the vicinity.
3. The proposed annexation is consistent with the general intent and purpose of the zoning ordinance.
4. The proposed annexation is consistent with the master plan, other adopted plans, policies and planning practice.

Ms. Lee noted that the lot in the northeast corner of the plat had recently been split and it was uncertain if the Traffic Engineer would allow an access point in this location.

Ms. Lee said based on these findings, staff recommends approval of the zoning change from the from the A-Agriculture zoning district to the R5-Residential, R10-Residential, RM15-Residential, RM30-Residential and P-Public zoning districts; the annexation and the final plat of South Meadows Addition, with the understanding that the access to Lot 1, Block 2 will need to be resolved prior to the plat being forwarded to the City Commission for final action.

Commissioner Laning asked where the stormwater pond is going to be pumped out to. Dave Patience, Swenson, Hagen & Co., replied it will be pumped across Burleigh Avenue and into the stormwater system that runs on the north side of the street which drains into the channel at the wastewater treatment plant which then drains into the river. He said the stormwater collected on Lot 22 will drain into the pond which then drains to Burleigh Avenue and through the same system.

Chairman Yeager asked if there are any ideas on Lots 17-20, Block 4 being converted to the P-Public zoning district. Mr. Patience said that is highly probable.

Chairman Yeager opened the public hearing.

Diane Martin, 301 West Burleigh Avenue, said she wants to know if the water being pumped away from the pond will have to drain right next to her property. Mr. Patience said it will be on the east side of the property, but it will be in an underground drainage system.

There being no further comments, Chairman Yeager closed the public hearing.

MOTION: Based on the findings contained in the staff reports, Commissioner Lee made a motion to approve the zoning change from the A-Agriculture zoning district to the R5-Residential, R10-Residential, RM15-Residential, RM30-Residential and P-Public zoning districts; the annexation and the final plat of South Meadows Addition, with the understanding that the access to Lot 1, Block 2 will need to be resolved prior to the plat being forwarded to the City Commission for final action. Commissioner Laning seconded the motion and it was approved with Commissioners Atkinson, Bullinger, Donahue, Laning, Lee, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

**PUBLIC HEARING – ZONING CHANGE–
NORTH 180 FEET OF LOT 1, BLOCK 1, KILBER NORTH ADDITION**

Chairman Yeager called for the public hearing on the zoning change from the RM15-Residential zoning district to the RT-Residential zoning district for the North 180 feet of Lot 1, Block 1, Kilber North Addition. The property is located along the south side of 43rd Avenue NE between Montreal Street and Boulder Ridge Road.

Ms. Lee provided an overview of the request, including the following findings for the zoning change:

1. This area was not included in the Future Land Use Plan (FLUP) in the 2014 Growth Management Plan because it was already platted and zoned.
2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include multi-family and institutional uses to the west, undeveloped RM30 – Residential zoned property to the south, developing office uses to the east and developing two-family residential and undeveloped CA-Commercial zoned property to the north across 43rd Avenue NE.
3. The property is already annexed and municipal services are in place; therefore, the proposed zoning change would not place an undue burden on public services and facilities.
4. The proposed zoning change would not adversely affect property in the vicinity.
5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.
6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Ms. Lee said based on these findings, staff recommends approval of the zoning change from the RM30-Residential zoning district to the RT-Residential zoning district for the North 180 feet of Lot 1, Block 1, Kilber North Addition.

Chairman Yeager opened the public hearing.

Ken Dolan, 4051 Boulder Ridge Road, said he lives south of the property and would like to speak on behalf of the other twelve residences who oppose this change. He said they have had a range of problems with Kilber Investments that are affecting their property values. He said there have been problems with everything from grading issues to the sales of twinhomes turning into rental units and they would very much like this request to be denied.

Chairman Yeager asked what allowable RT-Residential zoning uses are. Ms. Lee said it allows the same as RM-Residential zoning and also allows office uses but not retail.

Mr. Patience said he knows a client who wants to put a dentist office in that area and he would think most people would prefer a dentist office over an apartment building, which the existing zoning would allow for. He said the design concept is for it to be a two-story building.

Mr. Dolan said they do not have a specific objection to this request, but the concern is of the developer not giving the impacted residents an opportunity to discuss what will be built.

A comment in opposition to the request that was received via e-mail is attached as Exhibit A.

There being no further comments, Chairman Yeager closed the public hearing.

Commissioner Laning said they cannot force a developer to hold a discussion with the residents to disclose what their plans are as long as they are within the allowances of the uses listed in the zoning ordinance.

MOTION: Based on the findings contained in the staff reports, Commissioner Lee made a motion to approve the zoning change from the RM30-Residential zoning district to the RT-Residential zoning district for the North 180 feet of Lot 1, Block 1, Kilber North Addition. Commissioner Atkinson seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson, Bullinger, Donahue, Laning, Lee, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

PUBLIC HEARING – ZONING CHANGE– LOTS 1-3, BLOCK 3, EDGEWOOD VILLAGE 7TH ADDITION

Chairman Yeager called for the public hearing on the the zoning change from the RM30-Residential and P-Public zoning districts to the PUD-Planned Unit Development zoning district for Lots 1-3, Block 3, Edgewood Village 7th Addition. The property is located in northeast Bismarck, along the south side of 43rd Avenue NE, the east side of Nebraska Drive the north side of Calgary Avenue and the west side of Minnesota Drive.

Mr. Tomanek provided an overview of the request:

1. The proposed zoning change is consistent with the Future Land Use Plan (FLUP) in the Growth Management Plan. This area has been identified as high density residential with an open space/greenway running east-west though the property.
2. The proposed zoning change would be generally compatible with adjacent land uses. Adjacent land uses include Legacy High School to the south; undeveloped single and multi-family-zoned property to the west across Nebraska Drive; undeveloped commercially-zoned property to the east across Minnesota Drive; and existing rural residential dwellings across 43rd Avenue NE to the north. By providing additional landscape plantings along the northern tier of the proposed development, potential incompatible land uses could be mitigated.

3. The property is already annexed; therefore the proposed zoning change would not place an undue burden on public services. In addition, a traffic impact study was completed for this area; adequate roadway facilities will be available to handle the traffic volumes projected for this development.
4. The proposed zoning change would not adversely affect property in the vicinity, provided additional landscape materials are provided along the north side of the proposed development adjacent to 43rd Ave NE.
5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.
6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Mr. Tomanek said based on these findings, staff recommends approval of the zoning change from the RM30-Residential and P-Public zoning districts to the PUD-Planned Unit Development zoning district for Lots 1-3, Block 3, Edgewood Village 7th Addition, as outlined in the PUD ordinance attached to the staff report.

Mr. Tomanek further explained that the design concepts that were originally presented were for up to six stories. He said those have been reduced to four stories with two levels of underground parking and that the outdoor illumination plans have also been modified so as to not be as noticeable by the neighbors. He then said that 43rd Avenue NE is proposed to be a major arterial road with five lanes in the future, but there are no plans for annexation of the surrounding rural areas at this time. He went on to say the new Growth Management Plan defines this particular area as high density residential because of its location along a major arterial road and that landscape buffers will be in place to reduce the impact on the neighbors. He said he understands the concerns of the proposed zoning, but staff is supporting the change as the current zoning district has fewer limitations than a Planned Unit Development. He said staff can control the design concepts and regulations in a PUD and those cannot change without notifying residents and holding another public hearing. He said there are concerns of the lack of bike and walking paths; however, there are a number of meandering trails and ponds proposed that will connect to public and private trails maintained by the Bismarck Parks and Recreation District as well as the owner-developer. He then said the proposed design for the northernmost buildings does not include balconies facing north but rather buildings that run east and west with windows in the hallways and balconies only on the south sides of the buildings.

Commissioner Atkinson said the existing RM30-Residential zoning district would allow over 900 apartments anyway. Mr. Tomanek said that is correct.

Commissioner Armstrong said making the buildings larger vertically will allow more green space throughout the property. Mr. Tomanek responded that is one of the goals of the developer, which is why some of the buildings will be six stories but only four floors will be visible.

Chairman Yeager opened the public hearing.

Matt Sagaser, 4420 Hillsboro Drive, said he is speaking on behalf of the residents of Grand Prairie Estates, Bohe Acres and Prairie Pines and that he does not feel that 43rd Avenue NE should be treated as a major roadway and it should not be expected to function as one. He submitted comments, which are attached as Exhibit B, and read them to the Commissioners. He then said he just wants the public's interest to be kept in mind and that it should not be made out to be about making money.

Jon Lowry, Lowry Engineering, said he is the civil engineer working on the project and that they could have proceeded with the project without any input from the neighborhood, but they chose to try and reduce the impact and increase the green space. He said the lowest densities are planned to be furthest to the north so as to better transition into the existing single-family neighborhoods. He said the trails will run along the south side of the property and connect with the school, which has been coordinated with the Parks and Recreation District, and they will also help tie Nebraska Drive and Minnesota Drive together. He said the height change of the buildings was in response to a request from the City to have pitched roofs instead of flat roofs and that the lots will have to individually meet their densities. He said IRET is well known and this is not the first time they have approached this green space concept and they want to remain a reputable company.

Commissioner Armstrong asked if access to the south area will be off of Knudsen Avenue. Mr. Lowry said it will be and that access for the north area will be off of Nebraska Drive and Minnesota Drive.

Commissioner Laning asked if a traffic study has or will be done to include traffic lights. Commissioner Bullinger said a study was done and Calgary Avenue and Centennial Road are scheduled to be connected in the future, possibly with a convenience store on the corner of that intersection but no plans have been submitted for that property yet.

Summer Houston, 2334 Pointe Place, said there are trails by Legacy Elementary School, but there are no site lines in place as well as no gates to the apartments, and she has concerns of the lighting, access and security.

Mr. Lowry said the buildings will be maintained as any apartment building would be with security cameras and the necessary precautions.

Amber Araujo, 3134 Boundary Road, said she does not like large apartment complexes and she would rather see small retail uses instead of large buildings between her home and the new school.

Anthony Sattler, 3300 43rd Avenue NE, said apartments are never kept up like a home and they degrade and are condemned. He said 43rd Avenue NE cannot handle the traffic and asks that the Commissioners help keep Bismarck decent.

Dave Pearce, Hay Creek Township Supervisor, said the notification distance needs to be increased and the traffic issues on 43rd Avenue NE need to be dealt with before development starts.

Celia Sattler, 3300 43rd Avenue NE, said their view is going to be wrecked and her only request is that the Commissioners consider everything Mr. Sagaser stated earlier.

Mr. Sagaser then added traffic is their most paramount concern at this time and he would like to see future plans for 43rd Avenue NE, as it is becoming more heavily traveled all the time. He said he also would like to know how many bedrooms are being proposed and how many people will live there versus the number of units.

Mr. Lowry said these apartment complexes are usually split into 60% of two bedroom units, 20% one bedroom units and 20% three bedroom units.

Comments opposing this request received via e-mail are attached as Exhibits B through O.

There being no further comments, Chairman Yeager closed the public hearing.

Mr. Tomanek said pedestrian movement is expected to be on Nebraska Drive and Minnesota Drive as well as Knudsen Drive which are all public streets with routes that do not bisect the private property. He said ninety notices were sent to adjacent property owners within 350 feet for properties within City limits and a quarter mile for properties outside City limits.

Commissioner Seminary said we live in a significantly growing community and his first concern all the time is of affordable housing. He said there is very little that policy makers can do besides embrace density. He said the same number of single-family homes in this proposal would require 275 acres and would come with many more complications. He said people want to live close to schools and he hopes the concept does remain high-end as the developer has proposed. He then said he is the one that personally requested a traffic study to be done in this area and asked for federal relief because upgrades are so severely needed right now.

MOTION: Based on the findings contained in the staff report, Commissioner Seminary made a motion to approve the zoning change from the RM30-Residential and P-Public zoning districts to the PUD-Planned Unit Development zoning district on Lots 1-3, Block 3, Edgewood Village 7th Addition, as outlined in the PUD ordinance. Commissioner Atkinson seconded the motion and it was approved with Commissioners Atkinson, Bullinger, Donahue, Laning, Lee, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion. Commissioner Armstrong opposed the motion.

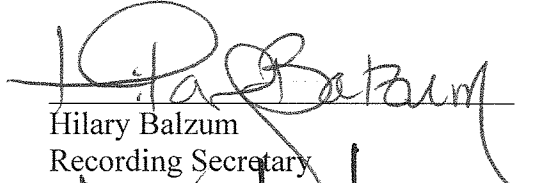
OTHER BUSINESS

There was no other business to discuss at this time.

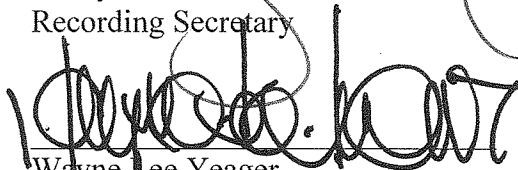
ADJOURNMENT

There being no further business, Chairman Yeager declared the Bismarck Planning & Zoning Commission adjourned at 6:26 p.m. to meet again on August 27, 2014.

Respectfully submitted,



Hilary Balzum
Recording Secretary



Wayne Lee Yeager
Chairman

EXH.D.1*

Sandra Bogaczyk

From: Deb <[REDACTED]>
Sent: Monday, July 21, 2014 11:19 AM
To: cobplan
Subject: Proposed zoning change Lot 1, Block 1, Kilber North Addition

We will not be able to attend the public hearing Wed., July 23 regarding the above.

We are strongly opposed to the proposed change of RT-Residential -- Office uses and multi-family dwellings, up to 30 units per acre.

When we moved here almost eight years ago, our understanding was that the property to the west of us (which is the intersection of Washington St. and 43rd Ave. (NE of the intersection) was zoned for business. We were initially opposed to moving here, but decided we could live with that if we had to since there was such beautiful property and trees to the south of us. It was still fairly isolated here since it was a newer area.

Now the beautiful tree row to the south across 43rd Avenue is gone and replaced already by two large business complexes, which in itself will create more traffic. We have another elementary school opening on North Washington and the traffic is already ridiculous. Making this change will create even more traffic, which will make it even more difficult to get out of our development. We are being surrounded by businesses and apartment homes in an area that we thought would be beautiful trees and homes, with the exception to the west.

We ask you to please take our opposition into consideration when voting.

Community Development Department

Planning Division

P.O. Box 5503

Bismarck, ND 58506-5503

RE: IRET Properties proposed amendment to existing

Zoning for Lots 1-3, Block 3, Edgewood Village

7th Addition

Ladies / Gentlemen:

We, the undersigned residents of Bohe Acres, located to the north of the above site, ask that the Bismarck Planning & Zoning Commission deny the zoning change request proposed by IRET Properties for Lots 1-3, Block 3, Edgewood Village 7th Addition.

Less than a year ago, Edgewood Development came before this commission requesting a change from rural residential zoning to an R-30 rating allowing construction of 30 unit apartment buildings. Some of us attended that meeting to voice our opposition to that zoning change. Our concerns at that time included an increase in traffic, the safety of our children and the loss of the rural lifestyle, which is the reason many of us have made our homes here. We were told that the change should not have an impact on us, and Edgewood's request was granted.

That change has, in fact, had an impact on our quality of life with increased noise, dust, traffic, etc. involved in just the site preparations. The construction phase has just begun on an adjacent parcel, and we brace ourselves for that impact, which will include more of the above along with materials debris blowing across the countryside.

Now IRET Properties comes before this commission asking that the zoning be changed yet again, this time from R-30 to PUD levels, with a proposal for fifteen four story tall apartment buildings. This complex will likely house upwards of 2000+ people with at least that many vehicles. Morning and evening rush hour traffic would become even more of a nightmare than it already is.

With that many new people there is sure to be an increase in crime in this area. The safety of our children will be at an even greater risk. What will be the effect on our property's value? And

lastly, views to the south of 43rd Ave. will be degraded by the presence of these huge four story structures.

A year ago, this commission sided with the interests of a big development company over the wishes of long term residents of this area. This time we ask that you consider how this zoning change would impact your own families if it was occurring in your neighborhood, and do the right thing by denying this request.

Emory + Beth Spill

4510 Bohe Dr.

Mitch + Kayla Todd

4411 Bohe Dr.

Anthony + Celia Suttler

3300 43rd AVE NE

Ken + Kelly Berg

3600 E Loveland Rd

Alvin Weyer

4311 Bohe Dr

Ron + Lee Becker

3962 Prairie Pines Loop

Jason Tomanek

From: [REDACTED]@bis.midco.net
Sent: Friday, July 18, 2014 1:51 PM
To: Marla Schroeder; Jason Tomanek
Subject: Protest of Rezoning by IRET Properties

Bismarck Planning & Zoning Commission Members

Re: Edgewood Village 7th Addition Public Comment Period of Planning and Rezoning to PUD

This letter is to protest the IRET Properties request to change the presently zoned area south 43rd Ave, south of Grande Prairie, Bohe Estates and Prairie Pines from P and RM30 to PUD (lots 1-3, Block, Edgewood Village 7th Addition). As you know, this same area was changed from RR to RM30 just last April 2013.

Below are numerous reasons why this zoning change should be rejected:

Safety/Traffic - The proposed 904 unit complex will have at least one or more cars per unit, of which will have limited access in and out.

This same access will also be used by the young drivers from Legacy High School. This overly congested traffic problem will also impact the emergency vehicles.

Safety/Traffic – A condition on passing the previous Zoning change (RR to RM30) required that the land developer perform a traffic impact study for the RM30 zoning and work with the city to minimize the traffic impact. So if the previous zoning needed a traffic impact study with a RM30 zoning the PUD proposed zoning should require one as it will have a much larger traffic impact.

Frontage Road - The 43rd Ave. Corridor Study/Proposal had a frontage road on the south side of 43rd Ave. to address the traffic; the proposed Zoning change does not.

Bike/Walking Path – There is no Bike or Walking Path in the new zoning proposal.

Park, Wildlife Walkway & Flyway and Drainage – The previous zoning request that changed the area from RR to RM30 dedicated a Park area to the City. The new zoning request removes the Park and Wildlife Walkway & Flyway and Drainage.

Other North Dakota Cities & Towns – I recently attended a ND Rural Water Systems Association Leadership Retreat (see attached). This retreat had western North Dakota City Developers speak on how the oil

impact has affected their committee. When asked how they zone housing, all stated they go from one housing zone to another in logical steps (they would not put a PUD next to a RR zone). During the last April 2013 zoning meeting, where this same area was changed from RR to RM30, it was stated that Bismarck's policy is that two totally unrelated zones only need a road or 150 feet between them. I think we can do better, a road or a mere 150 feet is not a logical amount of space between a RR to a PUD.

Bismarck's Single Family House Lot Cost – After the last 43rd Ave Corridor meeting held at Sunrise school, a City Official stated that Bismarck leaders want to build and flood the market with apartment buildings in hopes of reducing the single family housing lot cost. It is not fair to Grande Prairie residents to be victims of this. As stated by other City development leader's large apartment buildings and PUD should not be next to single family houses.

Grande Prairie House Value – If you talk to any realtor about the past change from RR to RM30, they will tell you the value of Grande Prairie homes decreased or will not increase at the same rate that other Bismarck home will. Grande Prairie residents do not need another financial hit to their homes by being next to a PUD.

Word on the Street – We have heard that the IRET has changed the apartment exterior design to make it easier to pass the Planning and Zoning Commission. Some examples of this are the removal of balconies on the side facing 43rd Ave. and other changes. If this is the case, this implies that IRET is concerned about the Apartments fitting into the area. We will see what they say during the Wednesday IRET presentation.

Sincerely,
A 37 Year Resident of Grande Prairie

Steve & Jolene Ellefson
4342 East Roundup
Bismarck, North Dakota 58503

----- End forwarded message -----

----- End forwarded message -----

Sandra Bogaczyk

From: Seth Sandness <[REDACTED]>
Sent: Monday, July 21, 2014 10:30 AM
To: cobplan
Subject: FW: Zoning Changes 43rd Corridor

Importance: High

Mayor and Commissioners:

I am writing this in regard to the rezoning request by IRET properties for Edgewood Village 7th addition from RM30 to PUD. I sincerely ask you to deny the requested change.

Two years ago my wife and I moved into Grand Prairie Estates to escape the hustle and bustle of a home in the city. We had two children at the time and have now added another. We thought we could provide a better quality of life for our children and still be close enough to town for an easy commute. We are a short term residents of the area and have quickly come to appreciate this sleepy part of town. Many of the folks that have lived in Grand Prairie for years and I'm sure have a greater appreciation. I think we all welcome growth to the city but not growth controlled by large developers. This sleepy part of town will become more dangerous, congested, and unsafe for our families. The land south of us and south of 43rd was rezoned last year from single family dwellings to RM30. The developers won. It appears they are going to win again unless we can get support from our officials.

We do understand that the city is growing to the north. With that said there is plenty of other locations for large scale apartment complexes along HWY 83 north of town Businesses would welcome the added traffic and few residents would be affected.

Percentages don't lie. For all intents and purposes most people are good and mean well, but with the addition of 2000-3000 people potentially, there will be the select few who bend or break the rules. How is the safety of my young children and others going to be patrolled? I understand that the infrastructure will have to come but I invite anyone to drive Centennial from Main Street North during "rush hour". I have seen the line of cars from interstate stretch south to capital rv, Mcquades, and even acme tool at 5 o' clock. What is another 1000+ cars going to do to that commute?

The proposed complexes are nice and are probably well engineered. The apartment communities in southwest Bismarck were also that way at one time. PUD is one thing and HUD is another. We are accepting to the RM 30 but not PUD. Short term and long term this is not the right location and do not feel is the best decision for the city! I do not know all the in's and out's of how this works but I do know money talks. I also know the city planners work hard at their job to provide the best possible layout for the city. Why do we let these deep pocketed developers constantly have their way and undermine the planning comity. All things develop and change as they grow. It seems in the last couple years the final decisions are one sided.

I assume there will be efforts made to "pretty up" the landscape around the proposed complexes. Trees, shrubs, etc take time to mature. Not the mention the uneven terrain and power distribution that is already in place. Even if there were redwood trees in ND to soften the edge of the development the light pollution will still penetrate far north of 43rd Ave.

The quality of life and safety of my children and others are going to drastically be if this is rezoning is allowed to pass. As well as the residents of NE Bismarck both in the city and in rural developments. I strongly encourage all of you to put your self in our shoes and decline the transformation of our landscape into a skyscape! Keep the current RM30 zoning and leave the PUD zoning for a more suitable location.

Thank you for listening.

Seth, Amber, Dylan, Blake, Ivy

Residents of Grand Prairie Estates

Sandra Bogaczyk

From: Marilyn Wilson <[REDACTED]>
Sent: Monday, July 21, 2014 4:24 PM
To: cobplan
Subject: IRET properties

I am writing to protest the zoning for IRET Properties to allow them to build a 15 building apartment complex with up to 950 units along the south side of 43 Ave northeast, the east side of Nebraska drive, the north side of Calgary Ave and west of Minnesota drive. Why would you let them build that many units that close to the new Legacy High School? Something is definitely wrong here. It seems if you have the money you can get anything you want in Bismarck. What lies did Edgewood Vista make when they told us and gave us plans for the development they were going to have up here. All was supposed to be 55 years and older. Ha, that sure changed in a hurry. So much for our nice quiet neighborhood. Now we have The Baptist Home, The new school and single family homes, no longer for 55 and over. Our street Nebraska Drive is very busy and is used like a race track. Most on our street are 55 and older, more like 60 and older. We do NOT need any more traffic. There are plenty of other areas that are not residential that could be used for apartments, and why do we need any more? Every where you go apartments are going up. I ask that you NOT approve this zoning.

Thank you.

Marilyn Wilson

Sent from my iPad

Exhibit F.

Hilary Balzum

From: Becker's <[REDACTED]>
Sent: Sunday, July 20, 2014 9:14 AM
To: cobplan
Subject: Lots 1-3, Block #, Edgewood Village 7th Addition

We would like the area to remain with the existing zoning of RM30-Residential and Multi family up to 30. We own property on Bohe Drive and Prairie Pines Loop.

Thank-you for considering our opinion.

Ron & Lee Becker
3962 Prairie Pines Loop
Bismarck, ND 58503

Sandra Bogaczyk

From: Emory Splitt <[REDACTED]>
Sent: Monday, July 21, 2014 10:23 AM
To: cobplan
Subject: July 23, 2014 Planning & Zoning Commission meeting
Attachments: Bohe Dr. residents response.pdf

The included attachment is in regards to a zoning change request made by IRET Properties for Lots 1-3, Block 3, Edgewood Village 7th Addition. This request is to be discussed at the July 23rd meeting. I ask that letter from the Bohe Dr. residents be included in the meeting's materials provided to the board members.

Thank you,
Emory Splitt

Sandra Bogaczyk

From: Julie Thinnies <[REDACTED]>
Sent: Tuesday, July 22, 2014 8:44 AM
To: cobplan
Subject: 950 unit apt complex - 43rd ave

You have got to be kidding me if you think a 950 unit apartment complex should be built near 43rd Ave & Centennial. The road it's self cannot hardly handle the current traffic on 43rd Ave, this road needs so much work done - and a light on Centennial & 43rd now - not in 10 years. Plus the fact that there is a new high school going up - there should not be a huge apt building next to it, plus there is already one apt building under construction. I don't want to look off my deck and see this horrendous site of a huge apt complex, I rather enjoy looking at the HS instead.



Julie Thinnies
Independent Designer #41752, Origami Owl
[REDACTED] € [REDACTED]
w:www.juliethinnies.origamiowl.com



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Sandra Bogaczyk

From: Jessica Johnson [REDACTED] >
Sent: Tuesday, July 22, 2014 10:37 AM
To: cobplan
Subject: Bismarck Planning & Zoning Commission meeting - July 23, 2014

To Whom It May Concern:

My name is Jessica Johnson. My family and I live in The Pointe development. We can see the Legacy High School construction from our living room window. It looks to be a beautiful school. I am writing to OPPOSE the rezoning of the property surrounding the school. I believe our community should be encouraging that homes be built and families should reside in them. Apartment buildings are a short term solution to the housing situation that has reached our area from the oil development in the Western half of the State.

With the ridiculous cost of rent, it is cheaper for families to build homes and pay mortgages. There should be HOMES with families surrounding our schools, not apartments with transient workers!!! Many people are coming to this state to capitalize on the oil boom. Please do not allow our schools to be surrounded by apartment buildings that could end up vacant in future years.

Please vote to keep the RM30-Residential zoning district in the area in and around Legacy High School.

Duane and Jessica Johnson
2433 Pointe Loop
[REDACTED]

Sandra Bogaczyk

From: Heather LeMoine <[REDACTED]>
Sent: Tuesday, July 22, 2014 11:37 AM
To: cobplan
Cc: joshaskvig@gmail.com
Subject: Opposed to zoning changes around Legacy High School

Good morning,

I've just been made aware of proposed zoning changes around Legacy High School. We are residents of The Pointe development in north Bismarck and as you are aware, this area has undergone massive development in the last five years.

I don't believe residents of The Pointe were included in mailings about the zoning change but the impacts of development in this area are already affecting residents and I believe the proposed change would increase negative impacts. Currently, our roads are insufficient. Our elementary schools for this area are already at capacity. And there are NO recreational opportunities - no trails, no sidewalks, no shoulders on 43rd Avenue, no parks, no arenas, no playgrounds.

We are trying to accommodate population without considering the quality of life for our residents.

We request that the area in development around Legacy High School remain residential multi-family.

Heather & Matt LeMoine
2440 Pointe Loop
Bismarck, ND 58503

Hilary Balzum

From: cobplan
Sent: Wednesday, July 23, 2014 1:42 PM
To: Hilary Balzum; Jason Tomanek
Subject: FW: Iret properties request - Jason Tomanek

-----Original Message-----

From: [redacted]mailto:[redacted]
Sent: Wednesday, July 23, 2014 1:29 PM
To: cobplan
Subject: Iret properties request - Jason Tomanek

Planning and Zoning Commission

I am writing in regard to IRET request for zoning change. I and our neighbor hood oppose the change to be allowed. It should remain as is, there is enough congestion and traffic on the road system currently, even with some planned widening of roads. This change would be a huge impact to the entire area, and surrounding neighborhoods. With the school and other proposed building there will be more than enough traffic and pedestrian, bicycle, children playing ect... In the area. In summary we oppose allowing the zoning change.

Thank you

Erv Zimprich

Hilary Balzum

From: Gloria David
Sent: Wednesday, July 23, 2014 3:01 PM
To: kellymcpillips@hotmail.com
Subject: RE: Online Form Submittal: How are we Doing?

Hello. Your comments have been forwarded as requested to the City Planning and Zoning Commission.

Thank you for your inquiry.

Gloria David
Public Information Officer
City of Bismarck
221 N 5th St.
PO Box 5503
Bismarck ND 58506-5503
Office: 701-355-1306
Cell: 701-220-2470
Fax: 701-222-6470

Website: www.bismarcknd.gov

Facebook: www.facebook.com/bismarcknd.gov | Twitter: www.twitter.com/BismarckNDGov

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From: noreply@civicplus.com [<mailto:noreply@civicplus.com>]
Sent: Wednesday, July 23, 2014 2:28 PM
To: Gloria David
Subject: Online Form Submittal: How are we Doing?

If you are having problems viewing this HTML email, click to view a [Text version](#).

How are we Doing?

Your city government is here to serve you. Please feel free to contact us by the method most convenient for you. We would be happy to respond to your comments, questions and suggestions for making Bismarck an even better place to live. **This e-mail communication is intended for use by Bismarck residents and/or Bismarck property owners. Commercial solicitations, offers, introductions or advertisements will not be considered.**

City of Bismarck
221 N 5th Street
PO Box 5503
Bismarck, ND 58506-5503
Phone: 701-355-1300
Fax: 701-222-6470

First Name* Kelly
 Last Name* McPhillips
 Address 1: 2311 Seneca Drive
 Address 2:
 City Bismarck
 State ND
 Zip Code 58503
 Email* kellymcphillips@hotmail.com
 Phone 701-258-6858
 Number
 Fax 701-258-6858
 Number
 Comments* I am trying to figure out why I did not receive the mailed notice regarding the zoning commission meeting regarding the consideration of rezoning of 3 lots lots 1-3, block 3 Edgewood Village 7th addition. I don't even get off of work until 1730 hr. There are currently 3 apt. buildings being finished just east of Walmart, at least 6 apartment buildings just east of 19th and south of the Hay Creek Court south of 43rd. It would be a huge disservice to the home owners of the area surrounding the proposed zoning change to construct an additional 950 units expecting an estimated 2000 or more residents in this tiny rapidly growing area. Unacceptable. Please relate to the zoning board today!! thanks - Kelly McPhillips

* indicates required fields.

The following form was submitted via your website: How are we Doing?

First Name: Kelly

Last Name: McPhillips

Address 1: : 2311 Seneca Drive

Address 2::

City: Bismarck

State: ND

Zip Code: 58503

Email: kellymcphillips@hotmail.com

Phone Number: 701-258-6858

Fax Number: 701-258-6858

Comments: I am trying to figure out why I did not receive the mailed notice regarding the zoning commission meeting regarding the consideration of rezoning of 3 lots lots 1-3, block 3 Edgewood Village 7th addition. I don't even get off of work until 1730 hr. There are currently 3 apt. buildings being finished just east of Walmart, at least 6 apartment buildings just east of 19th and south of the Hay Creek Court south of 43rd. It would be a huge disservice to the home owners of the area surrounding the proposed zoning change to construct an additional 950 units expecting an estimated 2000 or more residents in this tiny rapidly growing area. Unacceptable. Please relate to the zoning board today!!

thanks - Kelly McPhillips

Hilary Balzum

From: cobplan
Sent: Wednesday, July 23, 2014 3:48 PM
To: Hilary Balzum
Subject: FW: Re-zoning around Legacy High School

From: Melissa Sagaser [mailto:msagaser@hotmail.com]
Sent: Wednesday, July 23, 2014 2:42 PM
To: cobplan
Subject: Re-zoning around Legacy High School

To whom it may concern,

I am sadden that I have to take the time today away from family to write this e-mail. I feel it is important, the City of Bismarck I grew up in, is now a thing of the past....I understand growth, opportunity and change as I work for Bismarck Public Schools, I embrace it. We moved back to Bismarck 7 years ago because of my husband's job at Bobcat, I felt Bismarck was a great place for us to raise a family. We settled on 2 acres in Grand Prairie, I felt like I have found my piece of Heaven. A place where my kids' can play outside and be safe. I no longer feel that way! As traffic has picked up on 43rd so have the crime, cars speeding down our streets, the NOISE and eventually we were forced to put in security system and cameras. (I have the sheriff on speed dial) The school my husband, children and I loved....gone do to re-zoning. We had to embrace the change, we did so with a smile and our children are still trying to adjust. Next came the news of the development across the street zoned for apartments, we were not happy with outcome....but in the end we were okay with it. Now to find out through word of mouth, not a letter, about re-zoning again for a 950 Apartment Complex, I became furious. Why would our city even consider something so insane!! Money, Greed...only things that can come to mind. If something like this passes, you are talking about 2000+ people in a SMALL area. Traffic will be a nightmare, I can't get out onto 43rd most mornings now on a good day. Sunrise School is already near capacity, we can't honestly put our children at risk again by another school rezoning. I understand people are needing a home, growth is a concern....but please think about why you would want SO many people "stacked" in a small area of land. These type of complexes need to be away from residential areas and away from schools....smaller apartment type complexes, though not what I would like to see, more desirable.

Thank you for your time and attention,
Melissa Sagaser

Hilary Balzum

From: cobplan
Sent: Wednesday, July 23, 2014 3:55 PM
To: Hilary Balzum
Subject: FW: lots 1-3 block 3 Edgewood Village 7th Addition requested zoning change

From: Kelly McPhillips <mailto:kellymcpillips@hotmail.com>
Sent: Wednesday, July 23, 2014 2:55 PM
To: cobplan
Subject: lots 1-3 block 3 Edgewood Village 7th Addition requested zoning change

My name is Kelly McPhillips, my wife Elizabeth and I have made our home at 2311 Seneca Drive, 58503 just northwest of this proposed zoning change. We would encourage the zoning commission to leave the zoning as it stands; the area is already becoming very crowded.

We are opposed to adding another 15 buildings supporting 950 apartments in this location. Why not more single and duplex family homes and some green space? There are already not less than 8 apartment buildings just east of 19th and two more under construction. There is a series of apartment buildings being constructed just east of the North Walmart. To cram an additional estimated 2,000 or more residents into this site will create a crush of people into a very small area. Why would the city zoning commission encourage so much construction into such a small area.

First was the proposal to make 43 the intracommunity zip lane. Please don't fill it with thousands of cars. Our neighborhood is filthy enough as it is.

Respectfully submitted,

Kelly and Elizabeth McPhillips